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Application Serial No. 09/460,197

ZIN AF
2674

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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Jenny Larsen
Jenny Larsen 3/8/05

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

JOHN SPENCER CUNNINGHAM ET AL.

Serial No.: 09/460,197

Art Unit: 2674

Filed: 12/13/1999

Examiner: NGUYEN, KEVIN M.

For: MULTIPLE AND HYBRID
DISPLAY TYPES

APPELLANT'S SUPPLEMENTAL APPEAL BRIEF

To: Mail Stop Appeal Brief-Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Honorable Assistant Commissioner for Patents:

As provided in 37 C.F.R. § 1.193, Appellant provides its Supplemental Appeal Brief in triplicate in connection with the above-identified application with the Board of Patent Appeals and Interferences ("Board"). After Applicant's Appeal Brief was timely filed, a non-final office action was sent by the office on 1/15/04. Thereafter, the Applicants timely filed a Reinstatement of the Appeal on 4/13/04. For a second time, the prosecution was reopened and another new

reference was cited in a non-final office action dated 12/16/04. The following is a supplemental appeal brief filed by the Applicants in conjunction with their second Reinstatement of the Appeal, discussing the new reference and arguments raised by the Examiner in the office action. It is Applicant's contention that the new prior art does not raise any new issues, thus the only matters that need supplementation are the same issues in the first appeal brief but with the addition of the newly raised prior art. There are no new amendments, affidavits or other evidence submitted with this brief. The Applicant incorporates by reference items numbered (1) through (7) and (9) of the appeal brief of October 23, 2003 and the First Supplemental Brief of April 13, 2004 as if fully set forth herein. All of the aforementioned issues and/or arguments as set forth in the original appeal brief are still considered to be relevant. In addition, item (8) is supplemented as set forth below.

(8) Arguments

35 U.S.C. § 103(a) rejections

Claims 33-36, 38-46 and 48-52 were rejected under 35 USC §103(a) as being unpatentable over Stoddard et al., in view of Cook, et al. The deficiencies of the Examiner's arguments regarding Stoddard, et al., were extensively discussed in the original appeal brief and need not be repeated. The Cook, et al., reference was raised to provide the deficiency of Stoddard, et al., which fails to teach "a graphics adapter interface (GAI) 700 (fig. 4) linking a specific code 661-683 (linking generated code, fig. 4) from a 3-D GL application (formats 605, fig. 4) to a 3-D application programming interface (API) (620) (graphics library, GL) (fig. 4). The graphics library GL defined a single display routine as claimed." Cook et al., teaches an apparatus for interfacing between a plurality of application programs and at least one display adapter having functions supporting a display. Cook et al., does not have anything to do with the use of a "single display routine". Nor does it discuss the ability to drive multiple displays

of different types. In fact in Cook et al., it specifically states: "The adapter interface layer includes three sets of codes **710, 720** and **730**, each set being written for utilizing a particular display adapter. Each of these sets of code, herein referred to as routines, includes pieces of code, macros, subroutines and/or programs for utilizing the respective display adapters **770, 780, 790.**" (Column 3, line 67 through column 4, line 5) This section specifically indicates that a separate display routine is required for each display. It is unfathomable how this prior art patent can be used to reject the Applicants independent claim feature of a "single display routine" for driving a plurality of displays of different types. This feature is specifically claimed in independent claims 33, 38, 43, and 48. Cook et al., appears to be teaching exactly the opposite operation than the claimed feature of the present patent application at issue, i. e. using a separate display routine for each specific display. Further, Cook et al., is limited to raster type displays, only. There is no mention or implication of using the device of Cook et al., to drive stroke displays or hybrid displays as specifically claimed in the independent claims at issue.

The prosecution of the present patent application and the appeal brief is focused on a single feature in the independent claims, a single display routine. The newly cited Cook reference does not mention or imply a single display routine for any purpose. As extensively discussed in the prior responses to the office actions, the original appeal brief and the first supplemental brief, none of the cited references individually or in combination discuss, imply or even hint at a single display routine for driving multiple displays of different types.

Conclusion

In view of the foregoing, Applicant respectfully requests that the Board of Patent Appeals and Interferences overrule the Final Rejection of Claims 33-36, 38-46 and 48-52 over the cited art, and hold that Appellant's Claims are allowable over the references.

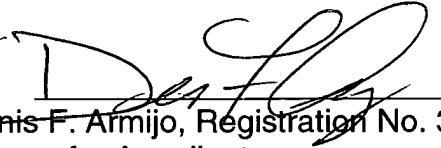
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Date: March 8, 2005

Respectfully submitted,

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